

Doc. 31 at 11. Accordingly, the notices sent to individuals eligible to join this lawsuit should have indicated July 23, 2009, as the deadline for submission of consents.

Counsel for Plaintiffs has now informed counsel for Defendants that the notices indicated August 23, 2009, as the deadline for submission of consents. However, neither Plaintiffs' underlying motion nor the Court's order supports a ninety-day opt-in period. That is, without any authorization from the Court or consent from Defendants, Plaintiffs have extended the opt-in period from sixty to ninety days.

Additionally, the Court's scheduling order provides a discovery deadline of August 14, 2009, and a motions deadline of September 14, 2009. *See* Doc. 14. Consequently, Plaintiffs' unauthorized extension of the opt-in period conflicts with the Court's scheduling order, jeopardizing the ability of Defendants to conduct sufficient discovery timely to determine whether a motion to decertify conditional certification would be appropriate.

Although counsel for Plaintiffs has stated that he used the later opt-in date by mistake and that he would agree to an extension of the discovery deadline, Defendants would still face the prospect of more individuals consenting to join this lawsuit than either the Court or the parties expected or intended.

For these reasons, Defendants request that the Court clarify its Order Granting Plaintiffs' Motion for Conditional Certification and Notice to Class Members by ordering that the opt-in period end on July 23, 2009; deeming any consent submitted after July 23, 2009, to be untimely; and granting any such further relief to which Defendants may be entitled.

Respectfully submitted,

THE MISRA LEGAL GROUP

By: /s/ Amit K. Misra

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CERTIFICATE OF CONFERENCE

I hereby certify that on this 26th day of June, 2009, I conferred with David I. Moulton, counsel for Plaintiffs, via email, who indicated that he is OPPOSED to this motion.

/s/ Amit K. Misra

Amit K. Misra

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June, 2009, a copy of the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system to all counsel of record:

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